

AMENDED IN SENATE JULY 24, 2003

AMENDED IN SENATE JULY 15, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

## ASSEMBLY BILL

**No. 327**

**Introduced by Assembly Member Runner**

February 7, 2003

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An act to amend Sections 22511.55, 22511.59, and 42001.5 of, and to add Sections 4461.3 and 42001.13 to, the Vehicle Code, relating to vehicles.

### LEGISLATIVE COUNSEL'S DIGEST

AB 327, as amended, Runner. Vehicles: parking: persons with disabilities: violations.

Existing law imposes certain fines and other penalties for violating certain provisions relating to parking privileges for persons with disabilities.

This bill would authorize a city or county to ~~assess~~ *impose by ordinance or resolution* an additional penalty of \$100 for violating those provisions ~~for use to offset only~~. *The bill would require the revenue generated from imposition of the additional penalty to be used to improve the enforcement of specified state laws relating to the use of disabled parking spaces and placards within the city or county, including offsetting the cost of establishing a new disabled parking enforcement program.*

This bill would require the Department of Motor Vehicles to print on a distinguishing placard or temporary distinguishing placard issued to a disabled person or veteran *on or after* January 1, 2005, the amount of

the fines, including ~~assessments~~ *certain penalties and surcharges*, as specified, *authorized to be imposed* for a ~~violating~~ violation of ~~certain provisions specified state laws~~ relating to *the use of disabled parking spaces and placards* ~~privileges for persons with disabilities~~.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. It is the intent of the Legislature that the  
2 Department of Motor Vehicles print the amount of a fine for a  
3 violation of Section 4461 of the Vehicle Code on the application  
4 for a distinguishing placard or license plate issued to a disabled  
5 person or veteran. The amount of the fine shall include any  
6 assessments authorized under Sections 70372 and 76000 of the  
7 Government Code, Sections 1464 and 1465.7 of the Penal Code,  
8 and Section 4461.3 of the Vehicle Code when determining the cost  
9 of a violation. ~~read:~~

10 SEC. 2. Section 4461.3 is added to the Vehicle Code, to read:  
11 4461.3. In addition to any fine imposed for conviction of a  
12 violation of Section 4461 or 42001.13, a city or county may *adopt*  
13 *an ordinance or resolution* to assess an additional penalty of \$100;  
14 ~~which~~. All revenue generated from imposition of the penalty shall  
15 be used specifically for the purpose of improving enforcement of  
16 *the provisions of this code relating to* disabled parking spaces ~~and~~  
17 ~~placards. The fee shall be levied and collected by the local entity~~  
18 ~~that assesses the fine. Revenue generated from this fee may not and~~  
19 *placards within the city or county. Revenue generated from*  
20 *imposition of the penalty may not be used to supplant funds used*  
21 *for other general parking enforcement purposes, but may be used*  
22 *to offset the cost of establishing a new disabled parking*  
23 *enforcement program.*

24 SEC. 3. Section 22511.55 of the Vehicle Code is amended to  
25 read:

26 22511.55. (a) (1) Any disabled person or disabled veteran  
27 may apply to the department for the issuance of a distinguishing  
28 placard. The placard may be used in lieu of the special  
29 identification license plate or plates issued under Section 5007 for  
30 parking purposes described in Section 22511.5 when suspended  
31 from the rear view mirror or, if there is no rear view mirror, when

1 displayed on the dashboard of a vehicle. It is the intent of the  
2 Legislature to encourage the use of these distinguishing placards  
3 because they provide law enforcement officers with a more readily  
4 recognizable symbol for distinguishing vehicles qualified for the  
5 parking privilege. The placard shall be the size, shape, and color  
6 determined by the department and shall bear the International  
7 Symbol of Access adopted pursuant to Section 3 of Public Law  
8 100-641, commonly known as the “wheelchair symbol.” The  
9 department shall incorporate instructions for the lawful use of a  
10 placard, and a summary of the penalties for the unlawful use of a  
11 placard, into the identification card issued to the placard owner.

12 (2) (A) The department may establish procedures for the  
13 issuance and renewal of the placards. The placards shall have a  
14 fixed expiration date of June 30 every two years. A portion of the  
15 placard shall be printed in a contrasting color that shall be changed  
16 every two years. The size and color of this contrasting portion of  
17 the placard shall be large and distinctive enough to be readily  
18 identifiable by a law enforcement officer in a passing vehicle.

19 (B) As used in this section, “year” means the period between  
20 the inclusive dates of July 1 through June 30.

21 (C) Prior to the end of each year, the department shall, for the  
22 most current three years available, compare its record of disability  
23 placards issued against the records of the Bureau of Vital Statistics  
24 of the State Department of Health Services, or its successor, and  
25 withhold any renewal notices that otherwise would have been sent,  
26 for any placardholders identified as deceased.

27 (3) Except as provided in paragraph (4), no person is eligible  
28 for more than one placard at any time.

29 (4) Organizations and agencies involved in the transportation  
30 of disabled persons or disabled veterans may apply for a placard  
31 for each vehicle used for the purpose of transporting disabled  
32 persons or disabled veterans.

33 (b) (1) Prior to issuing any disabled person or disabled veteran  
34 an original distinguishing placard, the department shall require the  
35 submission of a certificate, in accordance with paragraph (2),  
36 signed by the physician or surgeon substantiating the disability,  
37 unless the applicant’s disability is readily observable and  
38 uncontested. The disability of any person who has lost, or has lost  
39 use of, one or more lower extremities or both hands, or who has  
40 significant limitation in the use of lower extremities, may also be

1 certified by a licensed chiropractor. The blindness of any applicant  
2 shall be certified by a licensed physician or surgeon who  
3 specializes in diseases of the eye or a licensed optometrist. The  
4 physician or person certifying the qualifying disability shall  
5 provide a full description of the illness or disability on the form  
6 submitted to the department.

7 (2) The physician or other person who signs a certificate  
8 submitted under this subdivision shall retain information  
9 sufficient to substantiate that certificate and, upon request of the  
10 department, shall make that information available for inspection  
11 by the Medical Board of California.

12 (3) The department shall maintain in its records all information  
13 on an applicant's certification of permanent disability and shall  
14 make that information available to eligible law enforcement or  
15 parking control agencies upon a request pursuant to Section  
16 22511.58.

17 (c) Any person who has been issued a distinguishing placard  
18 pursuant to subdivision (a) may apply to the department for a  
19 substitute placard without recertification of eligibility, if that  
20 placard has been lost or stolen.

21 (d) The distinguishing placard shall be returned to the  
22 department not later than 60 days after the death of the disabled  
23 person or disabled veteran to whom the placard was issued.

24 ~~(e) The department shall print the amount of a fine for a~~  
25 ~~violation of Section 4461 on a distinguishing placard issued on or~~  
26 ~~after January 1, 2005. The department shall include any~~  
27 ~~assessments authorized under Sections 70372 and 76000 of the~~  
28 ~~Government Code, Sections 1464 and 1465.7 of the Penal Code,~~  
29 ~~and Section 4461.3 of the Vehicle Code when determining the~~  
30 ~~amount of a fine for a violation.~~

31 *(e) The department shall print on any distinguishing placard*  
32 *issued on or after January 1, 2005, the maximum penalty that may*  
33 *be imposed for a violation of Section 4461. For the purposes of this*  
34 *subdivision, the "maximum penalty" is the amount derived from*  
35 *adding all of the following:*

36 (1) *The maximum fine that may be imposed under Section 4461.*

37 (2) *The penalty required to be imposed under Section 70372 of*  
38 *the Government Code.*

39 (3) *The penalty required to be levied under Section 76000 of the*  
40 *Government Code.*

1     (4) *The penalty required to be levied under Section 1464 of the*  
2 *Penal Code.*

3     (5) *The surcharge required to be levied under Section 1465.7*  
4 *of the Penal Code.*

5     (6) *The penalty authorized to be imposed under Section 4461.3.*

6     SEC. 4. Section 22511.59 of the Vehicle Code is amended to  
7 read:

8     22511.59. (a) Upon receipt of the applications and  
9 documents required by subdivisions (b), (c), or (d), the department  
10 shall issue a temporary distinguishing placard bearing the  
11 International Symbol of Access adopted pursuant to Section 3 of  
12 Public Law 100-641 commonly known as the “wheelchair  
13 symbol.” During the period for which it is valid, the temporary  
14 distinguishing placard may be used for the parking purposes  
15 described in Section 22511.5 in the same manner as a  
16 distinguishing placard issued pursuant to Section 22511.55.

17     (b) (1) Any person who is temporarily disabled for a period of  
18 not more than six months may apply to the department for the  
19 issuance of the temporary distinguishing placard described in  
20 subdivision (a).

21     (2) Prior to issuing a placard pursuant to this subdivision, the  
22 department shall require the submission of a certificate signed by  
23 a physician or surgeon, as described in subdivision (b) of Section  
24 22511.55, substantiating the temporary disability and stating the  
25 date upon which the disability is expected to terminate.

26     (3) The physician or other person who signs a certificate  
27 submitted under this subdivision shall maintain information  
28 sufficient to substantiate that certificate and, upon request of the  
29 department, shall make that information available for inspection  
30 by the Medical Board of California.

31     (4) A placard issued pursuant to this subdivision shall expire  
32 not later than 180 days from the date of issuance or upon the  
33 expected termination date of the disability, as stated on the  
34 certificate required by paragraph (2), whichever is less.

35     (5) The fee for a temporary placard issued pursuant to this  
36 subdivision shall be six dollars (\$6).

37     (c) (1) Any disabled person or disabled veteran who is not a  
38 resident of this state and plans to travel within the state may apply  
39 to the department for the issuance of the temporary distinguishing  
40 placard described in subdivision (a).

(2) Prior to issuing a placard pursuant to this subdivision, the department shall require certification of the disability, as described in subdivision (b) of Section 22511.55.

(3) The physician or other person who signs a certificate submitted under this subdivision shall maintain information sufficient to substantiate that certificate and, upon request of the department, shall make that information available for inspection by the Medical Board of California.

(4) A placard issued pursuant to this subdivision shall expire not later than 90 days from the date of issuance.

(d) (1) Any disabled person or disabled veteran who has been issued either a distinguishing placard pursuant to Section 22511.55 or special identification license plates pursuant to Section 5007, but not both, may apply to the department for the issuance of the temporary distinguishing placard for the purpose of travel described in subdivision (a).

(2) Prior to issuing a placard pursuant to this subdivision, the department shall require the applicant to submit either the number identifying the distinguishing placard issued pursuant to Section 22511.55 or the number on the special identification license plates.

(3) A placard issued pursuant to this subdivision shall expire not later than 30 days from the date of issuance.

~~(e) The department shall print the amount of a fine for a violation of Section 4461 on a temporary distinguishing placard issued on or after January 1, 2005. The department shall include any assessments authorized under Sections 70372 and 76000 of the Government Code, Sections 1464 and 1465.7 of the Penal Code, and Section 4461.3 of the Vehicle Code when determining the amount of a fine for a violation.~~

*(e) The department shall print on any temporary distinguishing placard issued on or after January 1, 2005, the maximum penalty that may be imposed for a violation of Section 4461. For the purposes of this subdivision, the "maximum penalty" is the amount derived from adding all of the following:*

*(1) The maximum fine that may be imposed under Section 4461.*

*(2) The penalty required to be imposed under Section 70372 of the Government Code.*

*(3) The penalty required to be levied under Section 76000 of the Government Code.*

1     (4) *The penalty required to be levied under Section 1464 of the*  
2 *Penal Code.*

3     (5) *The surcharge required to be levied under Section 1465.7*  
4 *of the Penal Code.*

5     (6) *The penalty authorized to be imposed under Section 4461.3.*

6     SEC. 5. Section 42001.5 of the Vehicle Code is amended to  
7 read:

8     42001.5. (a) A person convicted of an infraction for a  
9 violation of subdivision (i) or (l) of Section 22500, or of Section  
10 22522, shall be punished by a fine of not less than two hundred  
11 fifty dollars (\$250).

12     (b) No part of any fine imposed under this section may be  
13 suspended, except the court may suspend that portion of the fine  
14 above one hundred dollars (\$100).

15     (c) A fine imposed under this section may be paid in  
16 installments if the court determines that the defendant is unable to  
17 pay the entire amount in one payment.

18     SEC. 6. Section 42001.13 is added to the Vehicle Code, to  
19 read:

20     42001.13. (a) A person convicted of an infraction for a  
21 violation of Section 22507.8 shall be punished by a fine of not less  
22 than two hundred fifty dollars (\$250).

23     (b) The court may suspend the imposition of the fine if the  
24 person convicted possessed at the time of the offense, but failed to  
25 display, a valid distinguishing license plate or placard issued  
26 pursuant to Section 22511.5, a valid special identification license  
27 plate issued pursuant to Section 5007, or a distinguishing placard  
28 issued pursuant to Section 22511.55 or 22511.59.

29     (c) A fine imposed under this section may be paid in  
30 installments if the court determines that the defendant is unable to  
31 pay the entire amount in one payment.